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FISCAL IMPACT REPORT

SPONSOR Sharer DATE TYPED 02/16/05 HB _____

SHORT TITLE Marriage Defined SB 597

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 445

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Attorney General (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 597 provides that marriage is a civil contract between a man and a woman.

Significant Issues

While no New Mexico court has ruled on the constitutionality of prohibiting same-sex marriages, a court case has been filed in response to same-sex marriages performed in Sandoval County. In regards to that litigation, the Attorney General has taken the position that New Mexico law currently does not permit same sex marriage.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 445 also amends Section 40-1-1 NMSA 1978 to define marriage as a contract between one man and one woman. It also amends Section 40-1-4 NMSA 1978 relating to recognition of foreign marriages and Section 40-1-8 relating to penalties for performing marriages.

OTHER SUBSTANTIVE ISSUES

If enacted, Senate Bill 597 would likely be challenged in court.

EF/lg